

# **Louisville Sustainability Advisory Board**

## ***Agenda***

**August 19, 2020  
Virtual Meeting  
6:30 - 8:00pm**

***This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:***

- 1) You can call in to (Toll Free) +1 833 548 0276 Webinar ID # 865 5515 0344.***
- 2) You can log in via your computer. Please visit the City's website here to link to the meeting: <https://www.louisvilleco.gov/government/boards-commissions/sustainability-advisory-board>***

***The Board will accommodate public comments during the meeting. Anyone may also email comments to the board prior to the meeting to [KBaum@louisvilleco.gov](mailto:KBaum@louisvilleco.gov).***

1. 6:30PM Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. 6:35PM Public Comments on Items Not on the Agenda (10 Minutes, more as needed)
6. 6:45PM LSAB Member Updates and Reports (5 minutes, more as needed)
7. 6:50 PM City Staff Update (10 Minutes)

8. Discussion Item: Sustainability Action Plan Update
9. Discussion Item: Prairie Dog Management
10. Discussion Item: Solar and EV Ready Building Provisions
11. Administration Tasks
  - A. Work Plan Review
  - B. Log Volunteer Hours
12. Adjourn

## **Louisville Sustainability Advisory Board**

### ***Agenda***

**July 15, 2020  
Virtual Meeting  
6:30 - 8:00pm**

***This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:***

- 1) You can call in to (Toll Free) +1 833 548 0276 Webinar ID # 857 7371 4820.***
- 2) You can log in via your computer. Please visit the City's website here to link to the meeting:***  
<https://www.louisvilleco.gov/government/boards-commissions/sustainability-advisory-board>

***The Board will accommodate public comments during the meeting. Anyone may also email comments to the board prior to the meeting to [KBaum@louisvilleco.gov](mailto:KBaum@louisvilleco.gov).***

1. 6:30 PM Call to Order
2. Roll Call-Katie Baum, Dan Mellish, Mark Persichetti, Melanie Dubin, Seth Adams, Laura Levesque, Tiffany Boyd
3. Approval of Agenda
4. Approval of Minutes
5. 6:35PM City Staff Updates (10 minutes)

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### **City of Louisville**

City Manager's Office  
303.335.4533 (phone)

749 Main Street

Louisville CO 80027  
[www.louisvilleco.gov](http://www.louisvilleco.gov)

- A. Sustainability Action plan moved back to August 18<sup>th</sup>
- B. Green Business current on hold
- C. In October, staff and PACE will develop and offer applications
- D. Sustainability Events
  - i. August –
    - 1. Understanding Your Energy Bill Webinar
    - 2. August 22<sup>nd</sup> – Hazardous and E-Waste Event at Accent Church parking lot
  - ii. September
    - 1. Pollinator Awareness Month
    - 2. September 22<sup>nd</sup> – Bike to Work Day (formatting pending)
  - iii. October
    - 1. Green Business “How to Apply” Webinars
  - iv. November
    - 1. November 15<sup>th</sup> – America Recycles Day
      - a. Eco-cycle has released several good videos on sorting and recycling. A suggestion to put those videos online
  - v. SUPPORT NEEDED
    - 1. Hazardous and E-Waste Event – volunteers needed.
- E. Municipal Operations
- F. Energy Future Collaborations (EFC)
- G. Grants
- H. Ballot Initiatives

- i. Bag tax needs to be revised before approval
  - ii. \$650K figure was requested to move to the budget process
- 6. 7:03 PM Public Comments on Items Not on the Agenda (5 minutes, more as needed)
  - A. RJ Harrington – Formation of the agenda. Items discussed that are not on agenda, are they on the agenda?
  - B. Cyndi Larson – Serious concerns regarding Redtail ridge development. No sustainability plans currently in development. Air pollution is also a serious concern for this project. A huge water treatment plant expansion is needed. Dark night sky ordinance should also be implemented.
  - C. Sherry Sommer – The ask it to be sure to give input in this Redtail development process. We want to hear from you in terms of sustainability. We need your support
  - D. Tamar Krantz – Redtail Ridge Development – Very concerned that the council will be hearing from the developers on August 4<sup>th</sup>. Please make a public statement expressing the concerns of sustainability. There was report given by Boulder County office of sustainability <https://www.louisvilleco.gov/Home/ShowDocument?id=27789>
    - . Attachment number 17. Lots of sustainable recommendations mentioned in previous portion that were never addressed in the developer's plans. The largest concerns coming from the residential plan. Tamar also sent a

follow up email the next day where she stated. “More important than the lack of sustainability measures that I mentioned last night is the fact that a Comprehensive Plan amendment would be contrary to the Plan’s community values related to sustainability. For the City Council to approve an amendment to the Comprehensive Plan two-thirds of the full membership of the Council must vote in favor of the amendment. (Page 24 of 33 of proposed Ordinance no. 1798, Found on page 24 of 689 in the July 14 Meeting Packet with links to items <https://www.louisvilleco.gov/Home/ShowDocument?id=27789>) . I hope LSAB will encourage council members to deny the amendment.”

- E. Stephanie Rowe – Wildlife location at Redtail ridge. She attended one of the developer’s meetings in January. They had mentioned they had not contacted the LSAB. The ask was for us to reach out to maybe setup a meeting with the developers. 142 acres of active prairie dog, several raptor nests. No real studies were done on all the animals that currently live onsite. 142 acres of prairie dogs will be brought down to 39 acres of prairie dogs. Louisville has no rules on the books for Prairie dog removal. The ask is can LSAB make a public statement against Redtail eliminating wildlife without studies being done on the impact.
- F. The LSAB would like to draft an official outline of what we would like to see on any new developments that will affect

Louisville's sustainability goals. We want to work with council in our responses. We would like to work on a process to incorporate the Sustainability Action plan when approving new development.

7. 7:40 PM LSAB Member Updates and Reports (5 minutes, more as needed)

A. Dan – Any follow up on recycling and composting bins?

Understaffed, there is no money for more receptacles and collections efforts.

B. Laura Levesque – Conversation Mark Petrovich from

Republic Services, said Louisville has a 47% waste diversion rate. This is just residential, with HOA's and commercial we are below 20%.

8. Discussion Item: Board and Commission Liaisons. See attachment. We will publish the final list.

<b>Board Member</b>	<b>Council Liaison</b>	<b>Board Liaison</b>
Laura Levesque-Catalano	Mayor Stolzmann	BRAD and Cultural Council
Tiffany Boyd	Councilmember Dickinson	Economic Vitality and Youth Advisory
Melanie Dubin	Councilmember Lipton	Planning Commission
Mark Persichetti	Councilmember Maloney and Fahey	Parks and Public Landscaping
Seth Adams	Councilmember Leh	Open Space
Dan Mellish	Councilmember Brown	Recreation and Historic Preservation

9. Discussion Item: Solar Ready Building Provision – Lets move to August meeting
10. Discussion Item: Ballot Initiatives
- A. RJ Harrington – Ordinance 1796. Carbon tax. Not enough detail to put on the ballot. No way to put revenue to emissions. Can this be moved to the budget for 2021? We are going to try to get new Net-Zero initiative on next years ballot. Should we try to lock in the 4 KW per hour rate? Is this a good deal? We should do some digging prior to the next budget meeting.
11. Administration Tasks
- A. Work Plan Review
- B. Log Volunteer Hours

Board Member	Activities	Hours
Seth Adams	Meeting prep, attendance	3
Melanie Dubin	Meeting prep, attendance	5
Dan Mellish	Meeting prep, attendance	4
Laura Levesque-Catalano	Meeting prep, attendance	3.5
Tiffany Boyd	Meeting prep, attendance	4
Mark Persichetti	Meeting prep, attendance,	3
	<b>Total Hours</b>	12.5

12. Adjourn – 8:40



## Memorandum

**To:** Louisville Sustainability Advisory Board  
**From:** Katie Baum, Sustainability Specialist  
**Date:** August 19, 2020  
**Re:** Staff Updates

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### General

- **Sustainability Action Plan Updating**
  - Timeline
    - August 25<sup>th</sup> – City Council first review
- **Green Business**
  - Green Business is currently on hold and communications will begin again in early September. Xcel will support communications to commercial entities.
  - In October, staff and PACE will develop and offer application sessions open to all East County businesses to support reapplication.
  - Due to COVID and resulting economic stressors, it is unlikely the program will see the same growth from previous years.
- **Sustainability Events/Programming**
  - August
    - August 22<sup>nd</sup> – Hazardous and E-Waste Event at Ascent Church parking lot (safety protocol developed)
  - September
    - In coordination with Miss Earth Colorado, there will be a plastic bag drop off at the Library for the month of September. From there, bags will be woven into sleeping mats and donated to the Access Center in Lakewood.
    - Pollinator Awareness month – potential for webinar/film screening based on beekeeping
    - September 22<sup>nd</sup> – Bike to Work Day cancelled, and now being called Bike to Wherever. Format pending.
  - October



# City of Louisville

City Manager's Office

- October 8<sup>th</sup> – How to Ride with RTD webinar. In partnership with Commuting Solutions and Town of Superior.
  - Green Business “How to Apply” Webinars
  - November
    - November 15<sup>th</sup> – America Recycles Day
- **Municipal Operations**
  - Awarded RAQC Grant for golf course EV charging
- **Energy Future Collaboration (EFC)**
  - In May, residents were able to have home energy kits delivered through our partnership with Xcel Energy. Over that time, 331 kits were delivered! With all installed, 81,412 kilowatt hours of energy will be saved. That's the greenhouse gas equivalent of 12.4 passenger vehicles driven for one year.
  - Community Energy Report released in mid-June
    - In 2019, Louisville's overall electricity and natural gas consumption increased from 2018, however our overall energy emissions decreased due to Xcel's Colorado grid becoming cleaner. As our community grows, it is inevitable that our consumption will also increase. In 2019, 62 new business customers came online with 257 new residential customers. Windsorce participation increased, and residential and commercial energy conservation projects completed in 2019 will save an estimated 4,061,691 kWh annually.
    - View the complete 2019 Louisville Community Energy Report [here](#).
- **Grants**
  - Current:
    - Boulder County Sustainability Matching Grant
    - Boulder County Zero Waste Grant
  - 2020:
    - Awarded RAQC Grant for golf course EV charging
- **Ballot Initiatives**
  - Ballot on bag tax moving forward and will be on Council ballot.
  - As we enter the election cycle the City Attorney has prepared a previously circulated memo regarding the Fair Campaign Practices Act (FCPA). The memo provides an overview of the FCPA restrictions on local government activities for elected officials, staff and Board and Commission members as it applies to candidate and ballot issue elections. Memo is attached to staff update.

Next Steps

None



**Kathleen M. Kelly**


(303) 298-1601 tel

(303) 298-1627 fax

kathleen@kellypc.com

## **MEMORANDUM**

TO: Heather A. Balser, City Manager  
Megan Davis, Deputy City Manager  
City of Louisville

FROM: Kathleen M. Kelly 

DATE: July 29, 2020

RE: Overview of the Colorado Fair Campaign Practices Act

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The City Council has adopted a resolution calling a special election for November 3, 2020 at which the City's registered voters will be voting on a candidate to fill City Council vacancy and a TABOR ballot issue concerning a disposable bag tax. This memorandum provides guidance regarding permitted and prohibited activities under the Fair Campaign Practices Act (FCPA) as it relates to the November 3<sup>rd</sup> election. Included at the end of this memo is the text of Colorado Revised Statute (C.R.S.) Section 1-45-117, which is the primary section of the FCPA discussed in this memo.

### **Prohibited/Allowable Activities and Expenditures under the FCPA**

The two principle rules under the FCPA are that the City cannot (1) make any contributions of any kind in campaigns involving the election of any person to public office; or (2) expend any money from any source, or make any contributions, to urge electors to vote in favor or against any statewide or local ballot issue once it has been submitted for the purpose of having its ballot title fixed.

The following is a general summary of activities permitted and prohibited by the FCPA.

#### **Individual City employees may:**

- Respond to unsolicited questions about ballot issues.
- Expend personal funds and use personal time for electioneering, subject to applicable campaign laws. Such activities cannot be conducted during the employee's working time or in the offices of the City.

- Participate in any political affiliations, activities and campaigns on personal time and away from the offices of the City. Employees may not give the impression, however, that a candidate or issue is endorsed by the City.

**Individual City Council Members and Appointed Officials may:**

- Respond to unsolicited questions about ballot issues.
- Expend personal funds and use personal time for electioneering and political activities (the same as City employees), subject to applicable campaign laws.
- Express a personal opinion on any issue. Anticipating elected officials may be sought out for their views on ballots issues, the FCPA expressly states it does not prohibit an elected official from expressing a personal opinion on any issue. Though their opinion may well be ascribed to them as an elected official, the official should not present his or her opinion as that of the City, and we recommend expressly stating that the opinion being offered is a personal opinion.
- Expend not more than \$50 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on ballot issues. Note: This is not an affirmative power, however. Rather, it should be treated as a “savings clause” for unintended technical violations.

**The City Council as a whole may:**

- Adopt a resolution supporting or opposing *a ballot issue*, but not individual candidates.<sup>1</sup>

**The City as an entity may:**

- Report the passage of or distribute any resolution supporting or opposing *a ballot issue* through normal distribution methods (but not through extra distribution methods, including paid advertising).
- Expend money to dispense a factual summary regarding *a ballot issue* (but not individual candidates) that will appear on the ballot of the City. This summary must include arguments both for and against the proposal, but cannot include a conclusion or opinion in favor or against any particular issue. It is important to note that the City can violate this restriction without specifically asking voters to vote “for” or “against” a ballot issue. Rather, any communication discussing a ballot issue that favors one position over the other will violate the FCPA.<sup>2</sup>

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<sup>1</sup> Although not addressed by the FCPA, the passage of the resolution presumably contemplates staff work to research and prepare the resolution. This time should be tracked and kept to the minimum amount necessary. Additionally, it should be noted that work that is not on a resolution or factual summary or responding to unsolicited questions will be deemed a prohibited “in kind” contribution. See *Colorado Cause v. Coffman*, 85 P.3d 551 (Colo. App. 2003) (holding that staff time to prepare press releases that urged defeat of state-wide measure, which time was directed by Treasurer and paid for by State, was impermissible contribution in kind).

<sup>2</sup> Special districts were found to have violated the FCPA when they mailed a brochure about an upcoming bond election to electors because even though the brochure did not expressly advocate a yes or no vote on the measure, it made only positive arguments in favor of the bond issue and presented no contrary arguments. *Skruch v. Highlands Ranch Metro. Districts Nos. 2 and 3*, 107 P.3d. 1140 (Colo. App. 2004). Similarly, Elbert County was found to have violated the FCPA when, after referring a ballot issue about a property tax increase to its voters, it hired a consultant to assess the financial situation of the County and to present the assessment at four town hall meetings prior to the election. The ALJ found that even though the ballot issue was never specifically mentioned during the town hall meetings, the consultant presented a dire one-sided picture of the county’s

- Allow public groups to use its facilities, including candidates and proponents and opponents of ballot issues, for a debate, election forum or similar activity if such uses are allowed and so long as the facilities are made available on an evenhanded basis to candidates and parties on any side of the issue. Therefore, if the City allows any such uses of City facilities, care must be taken to ensure equal access and fairness.

**The City, its officers and employees shall not:**

- Use City funds, supplies, equipment and other resources, including copiers, vehicles, computers, websites, facilities, telephones or newsletters, for any candidate or to urge voters to vote for or against a ballot issue.
- Allow (or require) employees to work for or against any candidate or ballot issue during working hours, or use any public facility or equipment for such purpose (except in very limited circumstances when preparing for City Council either a resolution or factual summary, discussed above).<sup>3</sup>
- Use the City's Facebook page or other social media accounts to publicize a candidate.<sup>4</sup>
- Contribute to political committees or other organizations organized to raise funds for candidates or ballot issues.
- Release the names, addresses or telephone numbers of past or present users of public utilities and facilities or City-owned/operated recreational or cultural services, regardless of whether the person seeking the information supports or opposes the election. See C.R.S. § 24-72-204(3)(a)(IX).

**Time Period during which FCPA Applies**

With respect to state and local ballot issues, FCPA's restrictions on spending and contributions apply once the ballot issue has been submitted for the purpose of having its ballot title fixed. Before a ballot issue is submitted for title setting, there may be some leeway for the City to communicate more broadly with voters on ballot issue proposals.<sup>5</sup>

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financial condition and the meetings were intended to encourage voters to vote for the ballot measure. Duvall v. Elbert County Board of County Commissioners, Agency Decision No. 2013-0012.

<sup>3</sup> For example, in Brown v. City of Littleton, the City was found to have violated the FCPA when it mailed to all board and commission members a CML memo about the effects of a ballot initiative along with a cover letter from the Mayor urging the members to consider the memo. Agency Decision, Case No. OS 2006-0023. In Colorado Ethics Watch v. City and County of Broomfield, a complaint was filed when City employees' research materials were later used in a candidate debate; ultimately, the Court dismissed the complaint after it concluded employees are authorized to respond to and research unsolicited questions about ballot issues as long as they do so in an evenhanded manner. 203 P.3d 623 (Colo. App. 2009).

<sup>4</sup> In Gil Barela v. Liberty Common School, a principal was found to have violated the FCPA when he posted on the school's Facebook page a link to a newspaper article reporting that a parent at the school was running for a seat on the local School Board. The principal also "liked" the post and "shared" the post on his personal Facebook page and other people subsequently liked and shared the post. The Administrative Law Judge (ALJ) deciding the case found the posting of the link and the likes and shares constituted favorable publicity, which was a thing of value given to the candidate for the purpose of promoting her election. Agency Decision, Case No. OS 20150015.

<sup>5</sup> For example, Loveland did not violate the FCPA when it spent a significant amount of public money on materials that urged city residents to vote in favor of tax-related ballot issues because all expenditures occurred before the measures were referred to the voters. Beer v. Loveland, Agency Decision, Case No. 2001-012. In contrast, special districts violated the FCPA when they



For the City-wide TABOR ballot issues to be voted on at the November 3<sup>rd</sup> election, the FCPA's restrictions already apply. Section 1.16.045.A of the Louisville Municipal Code provides that "city council shall fix the ballot title for any measure referred by the city council without receipt of a petition." Thus, the FCPA restrictions applied once staff posted the packet for the first meeting at which Council considered the ordinance setting the ballot language.

### **Enforcement/Penalties**

Historically, the Secretary of State (SOS) has had jurisdiction over FCPA violations and persons believing a violation had occurred could file a complaint with the SOS and have a hearing before an administrative law judge. In fact, there are certain FCPA complaints that the state constitution directs are to be filed with the Secretary of State. *See* Colo. Const. Art. XXXVIII, § 9(2)(a).<sup>6</sup>

However, Senate Bill 19-232, which went into effect on July 1, 2019, amended the FCPA to add the following provision: "Any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the municipality." (Emphasis added). The term "municipal campaign finance matter" is not defined and the new law does not address whether "exclusively filed" means that a municipal clerk cannot forward a complaint to the SOS for review and enforcement.

The SOS issued a Notice of Proposed Rulemaking earlier this month and included within the proposed rules are a definition of "municipal campaign finance matter" and other amendments that could clarify the scope and jurisdiction of FCPA complaints. But, at this point, it remains an open question as to whether the SOS may lawfully (and will) reject municipal campaign finance complaints from municipalities regardless of whether a municipality has adopted its own campaign practices rules. Depending on the outcome of the rulemaking and the position taken by the SOS with regard to complaints related to municipal campaign finance matters, the City may need to adopt rules and procedures for accepting and processing such complaints.

Persons found to have violated the FCPA may be subject to penalties between double and five times the amount unlawfully contributed, received or spent. Colo. Const. Art. XXVIII, §§ 9(2) and 10(1). Violators may also be required to reimburse the government fund from which the monies were diverted and may be subject to a restraining order or other injunctive relief. CRS § 1-45-117(4)(a).

### **Additional Limitations to Consider**

In addition to the FCPA, courts have long recognized that there are constitutional considerations respecting the use of public funds for campaign purposes. For example, in a case challenging a

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mailed a brochure promoting a bond issue shortly *before* the ballot title was fixed but paid the bill for the brochure *after* the ballot title had been fixed. *Skruch v. Highlands Ranch Metro. Districts Nos. 2 and 3*, 107 P.3d. 1140 (Colo. App. 2004).

<sup>6</sup> A Denver District Court judge in late 2019 found the Secretary of State exceeded its jurisdiction when it enacted a rule directing complaints concerning municipal campaign finance matters must be filed with the municipal clerk, since it was contrary to the statute as it existed at the time. The FCPA complaint at issue in this case was filed with the Secretary of State before SB 19-232 went into effect, so the Court ruled based on the statute in effect at the time the FCPA complaint was filed. And although the constitutional issue was raised, the Denver District Court ruled only based on the statute. But the reasoning behind the Court finding the SOS exceeded its jurisdiction would likely be the same under either the constitutional provision or the statute.

school district's active campaign against a state-wide initiated measure, the Court observed that use of public funds to advocate against a citizen initiative may be improper on First Amendment or other constitutional grounds. Mountain States Legal Foundation v. Denver School District No. 1, 459 F. Supp. 357, 360 (D.Colo. 1978).

The constitutional cases serve to emphasize the primary point of the FCPA restriction: Public entities may not expend moneys to urge electors to vote one way or the other on ballot measures being presented to the voters. Thus, to avoid both FCPA and constitutional concerns, the City should limit use of City moneys strictly in compliance with the time requirements and other limitations of the FCPA. With regard to candidate elections, public funds and resources should never be contributed, directly or indirectly, to any candidate running for public office; this prohibition extends to all types of contributions and donations.

As noted above, the restrictions of Section 117 of the FPCA on public resources do not apply to individuals' use of their own personal time or their own personal funds or resources for campaigning. Such personal activities are governed by other provisions of the FCPA, which are beyond the scope of this memo.

If you have any questions, please contact us.

**Attachment:** C.R.S. § 1-45-117, State and Political Subdivisions – limitations on contributions

## Document: C.R.S. 1-45-117

**C.R.S. 1-45-117****Copy Citation**

Current through all laws passed during the 2019 Legislative Session.

**CO - Colorado Revised Statutes Annotated   TITLE 1. ELECTIONS   ELECTION CAMPAIGN  
REGULATIONS   ARTICLE 45. FAIR CAMPAIGN PRACTICES ACT**

**1-45-117. State and political subdivisions - limitations on contributions**

**(1)** (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

**(A)** Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

**(B)** Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

**(C)** Referred measure, as defined in section 1-1-104 (34.5);

**(D)** Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

**(II)** However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

**(b)**

**(I)** Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against



any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

**(II)** Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

**(III)** Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

**(A)** Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

**(B)** Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

**(C)** Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

**(2)** The provisions of subsection (1) of this section shall not apply to:

**(a)** An official residence furnished or paid for by the state or a political subdivision;

**(b)** Security officers who are required to accompany a candidate or the candidate's family;

**(c)** Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

**(d)** Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

**(3)** If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

**(4)** (a) Any violation of this section shall be subject to the provisions of sections 9 (2) and 10 (1) of article XXVIII of the state constitution or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

**(b)** If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.



# City of Louisville

City Manager's Office

## Memorandum

**To:** Louisville Sustainability Advisory Board

**From:** Katie Baum, Sustainability Specialist

**Date:** August 19, 2020

**Re:** Discussion Item 8: Sustainability Action Plan

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### Summary

In 2012, the Louisville Sustainability Advisory Board tasked themselves with the creation of a document to outline recommendations for the City. The Sustainability Action Plan is intended to articulate Louisville's vision to create a more sustainable community as well as provide a roadmap for achieving our collective goals.

Adopted by City Council in 2016, the plan includes guidelines for internal City operations as well as communitywide approaches for residents and businesses. In general, the current plan has a focus on environmental impacts and their potential economic benefits.

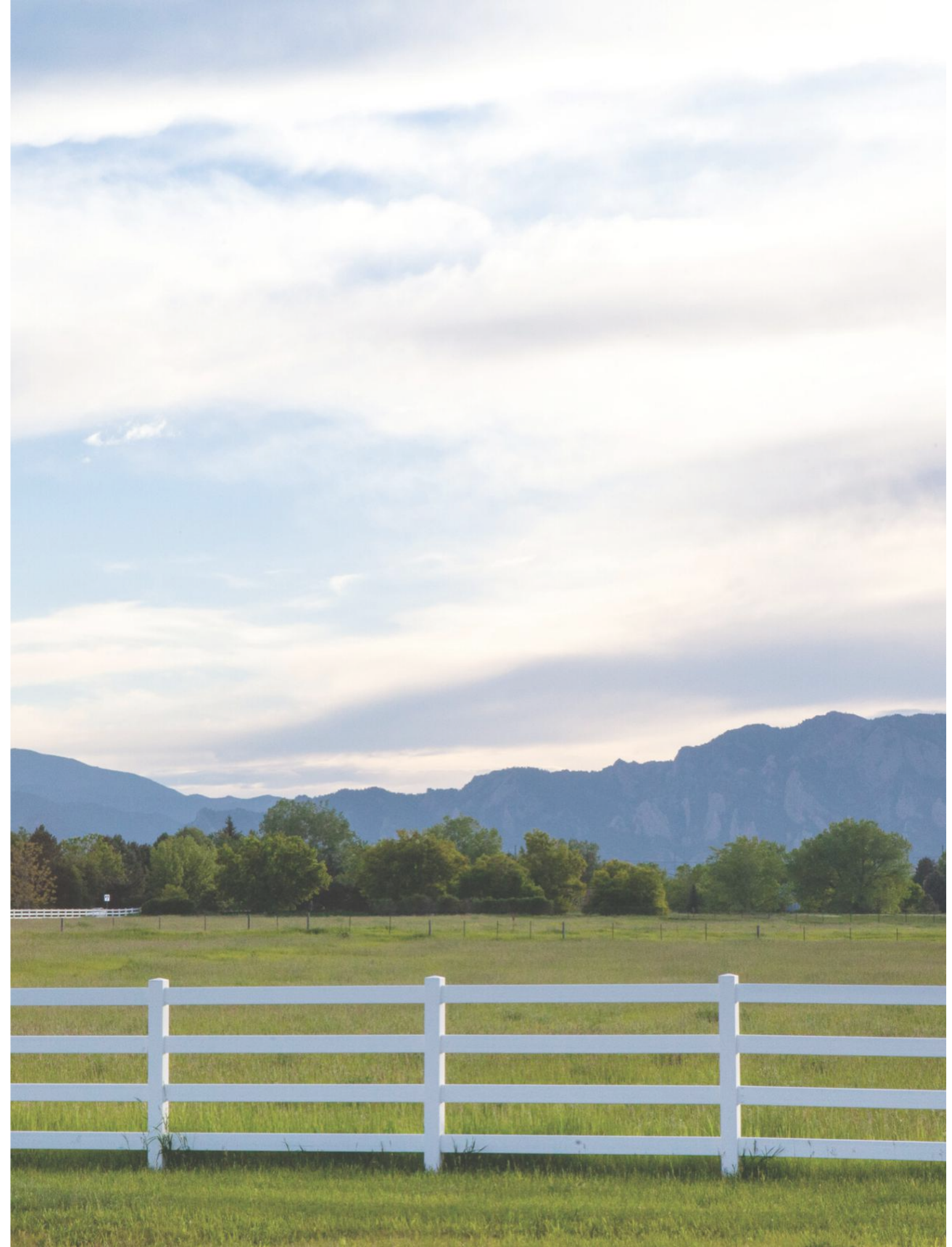
Due to the nature of the Louisville Sustainability Action Plan (LSAP) as a guiding and living document, staff and LSAB has recognized needed updates to the LSAP and tasked themselves in 2019 with updating and amending the framework. Over the course of 2019, staff and LSAB have discussed necessary changes and updates. On August 25<sup>th</sup>, City Council will have first review of the SAP update.

### Next Steps

Staff has prepared a presentation for City Council. Staff asks for a statement of support to be read by an LSAB member before presentation on August 25<sup>th</sup>.

2020 UPDATE

# Sustainability Action Plan



# Why update?



Community-Wide  
and Municipal  
Carbon-Free and  
Emission  
Reduction Goals



Evolving regional  
partnerships and  
opportunities



Transportation  
Master Plan  
(TMP)



No longer relevant  
strategies or items



# Update Changes\*

## FORMAT

- Inclusion of Triple Bottom Line
- Near Term vs Mid Term strategies
- Priority Matrix included with Plan

## TOPIC AREAS

- Separation of Climate and Energy
- Addition of Ecological Health
- Updates to Goals for consistency with Boulder County
- Updates to Objectives where applicable
- Leading by Example and Community In Action segments

# Priority Matrix

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PRIORITY  
STRATEGIES  
ARE IDENTIFIED  
IN APPENDIX A

Of the outlined strategies, some have greater opportunity for impact or are necessary for further progress.

It should be noted - all strategies detailed throughout the plan are necessary steps forward to meet our sustainability vision and topic area goals.

# Funding

Funding for projects/initiatives outlined in the strategies is not currently included in the 2021/2022 budget as a result of COVID financial impacts

- Individual budget requests can be put forward or Council can consider a lump sum to be used for sustainability projects/initiatives

Fundamental to the success of the SAP is continued funding for sustainability staff

- Staff leads implementation of strategies, coordinates/evaluates progress, completes reporting/communications & supports integration with other City initiatives
- Funding for staff is largely provided by Boulder County's sustainability grant, which the City plans to apply for again in 2021





# Thank you!

*Questions? Feedback?*